

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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KOLBE AND KOLBE MILLWORK  
CO., INC.,

Plaintiff,

Case No. 1:06cv585

v.

Hon. Gordon J. Quist

DELES INDUSTRIES, INC.;  
DANIEL DIENA, ACORE DOOR COMPANY,  
INC.; and ACORE DOOR (ONTARIO),  
INC.

Defendants

and

1430305 ONTARIO LIMITED, an  
Ontario corporation,

Intervening Plaintiff,

v.

KOLBE AND KOLBE MILLWORK CO., INC.,

Defendant.

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**ORDER AND JUDGMENT  
APPROVING REPORT AND RECOMMENDATION**

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The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on November 16, 2006. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed November 16, 2006, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that defendants' Motion to Stay or to Dismiss for Lack of Subject Matter Jurisdiction (docket no. 58) is **DENIED**.

/s/Gordon J. Quist  
Hon. Gordon J. Quist  
U.S. District Judge

Dated: November 29, 2006